

SENATE BILL 9083

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 34 and Title 63, relative to healthcare providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, is amended by adding the following as a new part:

(a) As used in this section:

(1) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including any mutation of SARS-CoV-2 or COVID-19;

(2) "Healthcare provider" means any practitioner of a healthcare discipline, the professional practice of which requires licensure or certification under title 63, title 68, or under a comparable provision of law of another state, territory, district, or possession of the United States;

(3) "Informed consent" means consent voluntarily given in writing by the patient or the patient's legal representative after sufficient explanation and disclosure by the healthcare provider of the subject matter involved to enable the person whose consent is sought to make a knowing and willful decision. This explanation and disclosure by the healthcare provider to the patient or the patient's legal representative before consent may be obtained must include, at a minimum:

(i) Adequate information to allow the patient or the patient's legal representative to understand:

(a) The risks, effects, and characteristics of any treatment for COVID-19;

(b) What to expect when taking medication as a treatment for COVID-19 and how the medication should be used; and

(c) Reasonable alternatives to medication in treating or managing the patient's condition or symptoms and the benefits and risks of the alternative treatments;

(ii) A reasonable opportunity for questions by the patient or patient's legal representative; and

(iii) Discussion and consideration by the patient or the patient's legal representative and the healthcare provider of whether the patient should take medication or seek other treatment for COVID-19; and

(4) "Licensed healthcare provider" means any healthcare provider holding a current license or certificate issued under:

(A) Title 63 or title 68; or

(B) A comparable provision of the law of another state, territory, district, or possession of the United States.

(b) A licensed healthcare provider acting in good faith and with reasonable care is immune from civil liability for the treatment provided to a patient for COVID-19 where the provider first obtains informed consent for such treatment.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.